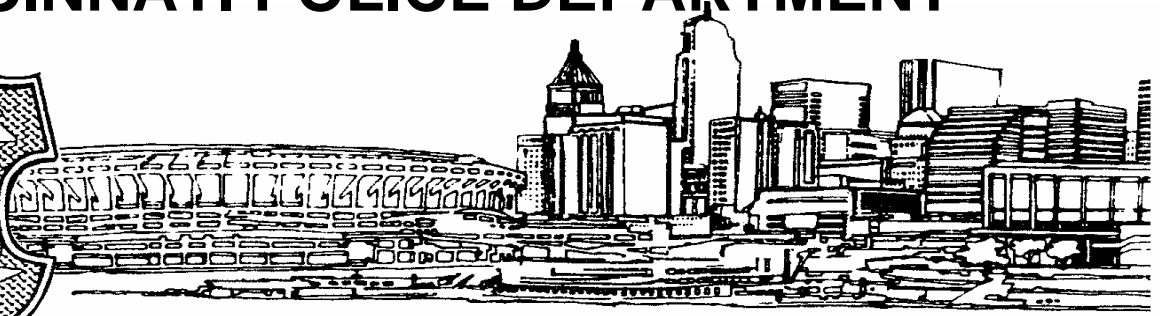


CINCINNATI POLICE DEPARTMENT



STAFF NOTES

Colonel Thomas H. Streicher, Jr., Police Chief
February 1, 2005

<u>ITEM</u>	<u>SUBMITTED BY</u>
1. <u>U.S. SUPREME COURT DECISION - ILLINOIS v CABALLES</u>	PLANNING SECTION
2. <u>RESTRAINT VIOLATIONS</u>	TRAFFIC SECTION
3. <u>COURT HOLIDAY – PRESIDENT'S DAY</u>	RECORDS SECTION
4. <u>MICHIGAN STATE UNIVERSITY FREE ONLINE TRAINING OPPORTUNITY</u>	TRAINING SECTION
5. <u>FBI NATIONAL ACADEMY</u>	CHIEF'S OFFICE
6. <u>THANK YOU LETTERS</u>	CHIEF'S OFFICE
7. <u>REVISION OF PROCEDURE 12.545. USE OF FORCE</u>	PLANNING SECTION

1. U.S. SUPREME COURT DECISION – *ILLINOIS v. CABALLES*

Attached to these staff notes is a synopsis of a ruling from the U.S. Supreme Court in the case of *Illinois v. Caballes*, regarding the use of narcotics dogs during a routine traffic stop.

The Court held: A dog sniff conducted during a concededly lawful traffic stop that reveals no information other than the location of a substance, that no individual has any right to possess, does not violate the Fourth Amendment.

To view the entire U.S. Supreme Court decision, visit:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&navby=case&vol=000&invol=03-923>

2. RESTRAINT VIOLATIONS

The category of “Restraint Violations” has been added to the 2005 Traffic Goals and will be tracked on the monthly traffic report. This addition is a result of the number of injury and fatal crashes in which the injuries could have been reduced if the occupants had been wearing restraints.

Attached to these staff notes is a letter from Kenneth L. Morckel, Ohio Public Safety Director, sent to Patrolman Craig Wilmington, Ravenna Police Department, for his efforts in reducing deaths that may have occurred were it not for Patrolman Wilmington’s enforcement of the restraint law. The incident mentioned in this letter is a testimony to how our enforcement efforts, although not well received by the violator at the time of the citation, may go a long way in reducing the number of fatal and injury crashes in our area.

3. COURT HOLIDAY – PRESIDENT’S DAY

On Monday, February 21, 2005, the Hamilton County Municipal Court will celebrate President's Day. Room A will be open in the a.m. only; all other courtrooms will be closed.

Police officers are reminded not to issue citations of any type requiring a court appearance on this date.

4. MICHIGAN STATE UNIVERSITY – FREE ONLINE TRAINING OPPORTUNITY

The School of Criminal Justice at Michigan State University, in conjunction with Industrial Safety Consultants, Inc., has developed several online emergency response training programs for public and private sector individuals. The following courses are currently available: Hazmat Awareness, Incident Command Awareness, Unified Command Awareness, Emergency Response Planning, Evacuation Coordinator and Bloodborne Pathogen training.

These training programs are located at www.saferesponse.com. MSU is offering these programs *for a limited time* at no cost. Also, some of these programs may be used for required annual refresher training. Funding for these programs comes from a federal grant and certificates will be made available electronically for each course that has been successfully completed by participants.

Participation in this program is strictly voluntary and no monetary compensation will be given. Questions may be directed to Barry Webb at 357-7561.

5. FBI NATIONAL ACADEMY

[Attached](#) to these staff notes is a letter from the FBI National Academy inviting Captain Eliot Isaac to attend the 221st training session being held April 3, 2005 through June 10, 2005.

6. THANK YOU LETTERS

[Attached](#) to these Staff Notes are several thank you letters written to the Police Chief for the professionalism displayed by officers in our Department.

7. REVISION OF [PROCEDURE 12.545](#), USE OF FORCE

Procedure 12.545, Use of Force, has been revised. Section G. directs supervisors to complete a Form 18A, Weapons Discharge at an Animal, when the X26 Taser is discharged at an animal. The Form 18A will be routed through the chain of command upon completion.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

SUPREME COURT OF THE UNITED STATES

ILLINOIS v. CABALLES

CERTIORARI TO THE SUPREME COURT OF ILLINOIS

No. 03—923. Argued November 10, 2004—Decided January 24, 2005

After an Illinois state trooper stopped respondent for speeding and radioed in, a second trooper, overhearing the transmission, drove to the scene with his narcotics-detection dog and walked the dog around respondent's car while the first trooper wrote respondent a warning ticket. When the dog alerted at respondent's trunk, the officers searched the trunk, found marijuana, and arrested respondent. At respondent's drug trial, the court denied his motion to suppress the seized evidence, holding, *inter alia*, that the dog's alerting provided sufficient probable cause to conduct the search. Respondent was convicted, but the Illinois Supreme Court reversed, finding that because there were no specific and articulable facts to suggest drug activity, use of the dog unjustifiably enlarged a routine traffic stop into a drug investigation.

Held: A dog sniff conducted during a concededly lawful traffic stop that reveals no information other than the location of a substance that no individual has any right to possess does not violate the Fourth Amendment. Pp. 2—4.

207 Ill. 2d 504, 802 N. E. 2d 202, vacated and remanded.

Ernest Howard
Executive Director

- Administration
- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Investigative Unit
- Ohio State Highway Patrol

Administration
1970 West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081
(614) 466-3383
www.ohiopublicsafety.com

May 27, 2003

Patrolman Craig Wilmington
Ravenna Police Department
220 South Parkway Street
Ravenna, Ohio 44266

Re: Letter of Commendation

Dear Officer Wilmington:

On May 14, 2003 our office was advised by Lt. Steve Eatinger with the Ravenna Police Department regarding your actions and dedication to enforcing Ohio's traffic laws and the subsequent impact you have had in saving lives.

Lt. Eatinger states that on May 9, 2003 while on patrol you observed a vehicle not displaying a front license plate and the driver as well as two children in the vehicle were not buckled up. Upon your stop, you informed the driver of the importance of how all occupants in the vehicle should be buckled up and consequently issued a restraint usage citation to the driver. On May 14, 2003 the Ravenna Police Department received a call from Sarah Floyd of Windham, Ohio who was the driver of that vehicle. She advised that on the same day you stopped their vehicle, that evening on the way home from a baseball game, they were involved in a serious one-car crash. Her vehicle was totaled, but recognizes you as saving her and her children's lives because they were all wearing their seat belts. She and her daughter were treated and released and her son sustained a broken jaw, but all three would have been seriously injured or possibly killed if not buckled up.

On behalf of the Ohio Department of Public Safety, I would like to commend you for your dedication to service and your commitment to saving lives by enforcing Ohio's restraint usage laws. Your efforts on that day have made a significant impact on Ms. Floyd and her children. Because of your efforts, a crash where the possibility of three deaths may have occurred only resulted in minor injuries.

Keep up the good work and thank you for all of your efforts.

Sincerely,

Kenneth L. Morckel, Director
Ohio Public Safety

Cc: Mayor Paul H. Jones
City of Ravenna

Chief Randall C. McCoy
Ravenna Police Department

Lt. Steve Eatinger
Ravenna Police Department

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

January 19, 2005

Thomas H. Streicher, Jr.
Police Chief
Cincinnati Police Department
310 Ezzard Charles Dr.
Cincinnati, Ohio 45214

RE: Captain Eliot K. Isaac
Candidate, 221st Session
FBI National Academy
April 3, 2005 - June 10, 2005


Dear Chief Streicher:

I am pleased to extend an invitation to Captain Eliot K. Isaac to attend the next session of the FBI National Academy. We look forward to having him in attendance. If circumstances arise that will preclude Captain Eliot K. Isaac from attending this session, please inform Special Agent Mark S. Rogers, National Academy Coordinator, 513-421-4310, as soon as possible.

We look forward to Captain Isaac's participation in the Ohio Chapter of the FBI National Academy Associates after his graduation.

Sincerely,


Stanley J. Borgia
Special Agent in Charge



Apr. 19, 2005
1854 Clarion Ave.
Cincinnati, OH 45207




Cincinnati Police Chief


Re: Police Officers - District 2

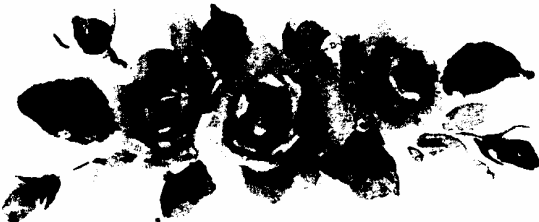
Cassandra Tucker & Harold Sturgeon

Dear Sir:



I wish to thank, salute
and commend two of
Cincinnati's finest police
officers for their kindness,
concern and courtesy when
they made a call at my
home April 24, 2003. I
apologize for waiting so long
to put into writing thanks
that I often expressed to
others in conversation. Officers
Tucker and Sturgeon made a
thorough search of the premises
and advised us on safety





procedures. They were
exceptionally courteous
and reassuring.

My sincere
but belated thanks
Margaret Walker
MARGARET WALKER

City of Cincinnati



City Hall
801 Plum Street
Cincinnati, Ohio 45202
Phone (513) 352-3241

January 24, 2005

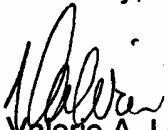
Officer Daniel J. Carter
Cincinnati Police Department
District 4
4150 Reading Road
Cincinnati, Ohio 45229

Dear Officer Carter:

The thank you note you recently received from Dr. Susan Sadlier was copied to me, and I want to add my thanks to hers and echo her statement – your professionalism and courtesy are a credit to the Cincinnati Police Department!

The way you handled this 'rescue' reflects positively on you, the CPD and the City of Cincinnati. Again, thank you!

Sincerely,


Valerie A. Lemmie
City Manager

c: Chief Thomas Streicher, Cincinnati Police Department

-----Original Message-----

From: William Reeves [<mailto:RReeves@comair.com>]

Sent: Tuesday, January 25, 2005 14:42

To: thomas.streicher@cincinnati-oh.gov

Cc: charlie.luken@cincinnati-oh.gov; christopher.smitherman@cincinnati-oh.gov

Subject: Inauguration 2005

Chief Streicher--

I attended the Presidential Inauguration in Washington last week. I attended the parade at the corner of 9th St. & Pennsylvania Ave. That just happened to be the section watched over by Cincinnati Police.

Officers Smith, Machenheimer, Simpson, Vanderpool, and the rest were all very professional, courteous, and friendly. They were talking to the parade watchers, making the hours pass by much more quickly, and offering help and directions as best they could. These officers could not have shown Cincinnati in a more positive light.

They are to be commended for volunteering to help at the most secured event ever in our nation.

I know the Cincinnati Police Department often receives bad publicity from the media and lack of support from City Council, so I thought I would pass this information on to you.

Keep up the good work Chief.

Thanks,

William Reeves
230 Shaw Ave.
Elsmere, KY 41018

-----Original Message-----

From: CapitalHockeyFan@aol.com [mailto:CapitalHockeyFan@aol.com]

Sent: Saturday, January 22, 2005 1:56 AM

To: cpd.webmaster@cincinnati-oh.gov

Subject: Inaugural Security-Washington DC

To whom it may concern,

My name is Kevin Anderson and I reside in Waldorf, Maryland which is about 20 miles south of Washington, DC. Along with my brother who is from Virginia and family from Connecticut we attended the Inaugural Parade in honor of President George W. Bush.

What a pleasant surprise to learn the officers providing security in front of us were officers from the Cincinnati PD. I was standing on Pennsylvania Ave between 9th and 7th streets. The officers of the CPD could not have been more friendly and professional. I recall a few of the officers names. One was Officer Arnold I believe and another was Officer McGinis. I am sure I butchered the spelling of the names and hope they understand. Also another female officer who appeared to be supervising the line of security the officers provided.

My family and I arrived for the parade at around 10:00 am. The officers from the CPD were already standing and providing security despite the parade not starting for nearly 5 hours later. With very few breaks these officers stood along Pennsylvania Ave until the parade was over right around 5 pm. The day was very cold and these officers stood and provided security and represented the city of Cincinnati with great pride. Just based on these officers Cincinnati must be one wonderful place to visit, live and work.

I thanked a few of the officers for coming to the nation's capital to provide security in rather rough weather conditions. I hope all the officers arrived home safely and shared their stories of such a fantastic day.

I am a life long resident of the Washington, DC area (36 years) and just wanted to put in writing what a dedicated professional group of officers that represented Cincinnati so very well on 20 January. Perhaps you can pass this along to the Cincinnati newspapers and they could publish this email. Thanks again and please be sure to return in 2009!

Kevin Anderson

Waldorf, Maryland

104 W. Marion Drive
Dothan, AL 36301-3326
1/19/05

334 794-4340

Dear Chief Streicher

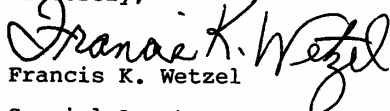
I am writing you in reference to Officer Barry Beasley of the 2d District. On October 18, 2004 I was involved in an auto accident in the 3800 block of Isabella Ave, Oakley. It was during a very heavy rain storm in which four inches of rain fell in a two hour period according to local news reports. An automobile was coming toward me straddling the double yellow line, neither that automobile nor mine was moving very fast due to the weather conditions. I eased over to the right and struck and unmarked large steel gondola which was sitting in the street. The woman driving the other automobile never stopped.

Officer Beasley responded to the accident, made arrangements for Bramble Towing to remove my car. He had to block off part of the street during the heavy rainfall, put out flares and did everything right to control the situation. He was very caring for my well being and was pleasant and professional in every way. Upon the removal of my automobile he drove me to my brother home less than a mile away. He was wearing his long rain coat but he did get very wet below where the coat stopped and I'm sure his feet were wet. I am sorry he had to put up with this discomfort. I really appreciate what he did for me. You are fortunate to have officers like Barry Beasley in your employ.

Fifty three years ago today, two hours after my wife Rosemary and I were married, we were involved in a fender bender on Victory Parkway and possibly Taft Road, I no longer recall the name of the cross street, as I have had limited time in Cincinnati since joining the Marine Corps in WWII. An officer named Collier, wearing #66 on his uniform, responded helped me straighten the fender. He had some comments for the other driver who he had some adverse contact with in the past. Every year Rosemary and I recall how pleasant officer Collier was. It is our regret to this day we never wrote a letter to the Chief of Police. While officer Collier may no longer be living at least I can say that I did finally write to the Chief about him.

My grandfather, Michael J. Kane, served in the CPD from 1889 to 1/1/33. He was the Assistant Chief of Police at time of his retirement. I recall as a young boy I would frequently went with him on Sunday afternoon when he went to inspect the stations on the eastern side of the city. He would read, what I assume to be the station log book, after reviewing it signed it before he left. My grandfather lived in Pleasant Ridge. He died in June 1941 and is buried in St. Joseph New Cemetery, Price Hill. My memory is that Chief Will Copland, (SP?), who I believe lived in Westwood, did the same thing inspecting the stations on the west side of the city. My grandfather had a large radio receiver in his Nash Coupe police car. If he received a message he had to locate the nearest Gamewell box and phone into Station X. I am certain my grandfather would be happy to know how well I have been treated by members of the CPD. Thanks to you and all of personnel who do a great job under trying circumstances. Be safe and remember it is better to be tried by twelve than to be carried by six.

Sincerely,


Francis K. Wetzel

Special Agent,

U.S. Defense Investigative Service, Retired

12.545 USE OF FORCE

Reference:

Graham vs. Conner, 490 US 386, 396 (1989)
Tennessee vs. Garner, 471 US 1 (1985)
 Manual of Rules and Regulations - 1.22, 1.23, 1.24, 1.25, 2.12, 2.26A&B, 4.05
 Ohio Revised Code – 2901.01(A)(5) Definitions (Serious physical harm to persons)
 Procedure 12.140 - Canine Operations
 Procedure 12.170 – Civil Disturbance Operation Procedure
 Procedure 12.550 - Discharging of Firearms by Police Personnel
 Procedure 12.554 - Investigatory Stops and Field Interview Report (FIR)
 Procedure 12.600 - Prisoners: Securing, Handling, and Transporting
 Procedure 12.905 - Fingerprinting and Photographing of Juveniles
 Procedure 15.100 – Citizen Complaints

Definitions:

Actively Resisting is when the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Force is any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of firearms, tasers, chemical spray, choke holds or hard hands; the taking of a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person, with no or minimal resistance.

Hard Hands is the use of physical pressure to force a person against an object or the ground, or use of physical strength or skill that causes pain or leaves a mark; leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Serious use of force is any action by a CPD officer that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured (as defined in ORC 2901.01(A)(5) or requires hospital admission.

Escorting is the use of light pressure to guide a person, or keep a person in place.

Choke Holds; the courts could consider a chokehold or other similar type holds as deadly force. Chokeholds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type chokehold to prevent the swallowing of evidence is prohibited.

Deadly Force is that force likely to cause or capable of producing death.

Self-Defense is the act of protecting oneself or another from physical harm or serious physical harm.

Crowd Management is the observing, monitoring, and facilitating the activities of persons assembled.

Crowd Control is the use of police action to stop the activities of persons assembled.

Use of force in crowd management and/or control; officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from an risk of death or physical harm or is necessary to effect the arrest of an actively resisting subject, or to prevent the escape of that subject.

Officers encountering crowds will address the situation and determine if a need exists or may exist requiring crowd control or crowd management. Prior to police action, the officers will immediately summon a supervisor to the scene. If crowd control is required or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools or tactics used to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

The use of force (including the beanbag shotgun, the 40 MM foam round and the pepperball launcher) as well as the use of chemical irritant during periods of civil unrest or for crowd management is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd, unless it would present a danger to the officer or others to give such a warning.

Any deployment of the beanbag shotgun, the 40 MM foam round, or the pepperball launcher during crowd management/control requires:

- Specific targeting of a subject by the officer.
- Under no circumstances should any of these devices be deployed into a crowd without first identifying a specific target that represents an imminent risk of death or physical injury to the officer or others.
- The officer must be reasonably sure that the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse

Information:

Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile devices that offer a less lethal alternative that may be used to subdue or incapacitate a subject to prevent imminent physical harm, while maintaining officer safety.

These types of police tactical tools have been designed for law enforcement to assist in resolving situations, which could otherwise result in the use of deadly force.

They are designed to enable officers to subdue or incapacitate a subject, in order to prevent imminent physical harm to the officer or another person, by allowing the officers to maintain greater distance between themselves and the subject. Most of the time these tactical tools are used when a subject is armed with or simulating the possession of a potentially deadly instrument and often is someone who is emotionally disturbed, intoxicated, or suicidal. These tools are designed to de-escalate the deadly force potential and allow the subject to be controlled by a lower level of force.

Use of these types of tactical tools is reasonable in situations when allowing the subject to leave would pose an imminent continuing threat to others, including the subject.

These types of impact projectiles may not be used to prevent theft or minor vandalism.

Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

PR-24: The PR-24 is an impact tool that offers a less lethal method for subduing and apprehending violent and/or actively resisting subjects. Compared to empty hand counter strikes, the PR-24 is less likely to cause injury to the officer and provides added distance from the subject. Officers should target a subject's torso, arms, and legs, and avoid, unless threatened with serious physical harm, the subject's head, throat, neck, heart, and groin.

Pepperball: The Pepperball launcher is a non-lethal tool, according to the manufacturer, and provides another alternative to assist in apprehending violent and/or actively resisting individuals while maintaining officer safety. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

X26 Taser: The X26 Taser is an electronic control device that is a non-lethal force alternative used to assist officers in the performance of their duties. The X26 Taser is designed to temporarily immobilize a non-compliant, violent or potentially violent subject. It generates electricity in a small, hand held battery operated unit about the size of a handgun.

When properly used, the X26 Taser generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscular movement, allowing officers to gain control.

The X26 Taser electronic control device may be used in situations where time and conditions permit. It can be an extremely effective control device for close range incapacitation and should never be aimed at the subject's head, neck, eyes, or groin. Only officers successfully completing the Department X26 Taser Training Program will use it.

Each X26 Taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the X26 Taser. The information stored in the data chip can be retrieved by supervisors utilizing the dataport on the rear of the weapon. By attaching the dataport cable to the weapon, the information can be downloaded into our current computer system.

Every three months (January 1, April 1, July 1, October 1), supervisors are responsible for downloading the data stored on the X26 Taser chip of their personnel. The downloaded information will be stored in the officer's file at their district/section/unit.

Chemical irritant: Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s). Chemical irritant will leave an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm, or is necessary to effect the arrest of an actively resisting subject, or prevent the escape of that subject.

Chemical irritant or the X26 Taser (in the drive stun mode) is the primary response to prevent persons from swallowing evidence or contraband. The use of chemical irritant or the X26 Taser (in the drive stun mode) on an individual attempting to swallow evidence or contraband is only permitted when:

- There is a clear indication that the object or substance in the subject's mouth is contraband.
- There are exigent circumstances such as the imminent destruction of evidence or medical emergency.
- The officer has issued, and the subject refused to comply with a verbal command to spit out any contraband.

Personnel may only use chemical irritant to control a resisting subject when verbal commands and other techniques that do not require the use of force would be ineffective, or where issuing verbal commands would present a danger to the officer or others.

A verbal warning must be issued to the subject that chemical spray will be used prior to the use of chemical spray, unless it would present a danger to the officers or others to issue such a warning and, when feasible, the officer will defer using chemical spray for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

Policy:

Cincinnati Police Officers must recognize and respect the value and dignity of every person.

In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effectuating an arrest is where a suspect complies with simple directions given by an officer.

When officers are confronted with a situation where control is required to effect arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used, unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest, and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately de-escalate the use of force as the subject de-escalates or comes under police control.

They must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to effect the arrest of a resistant subject.

Force situations often do not allow for ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

All members of the CPD have a duty to ensure that use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, the X26 Taser, or confronts resistance that results in an injury or complaint of injury to a citizen, or have knowledge of any of the above, or are aware of a citizen complaint of excessive force, they will immediately notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force.

The only exception is when a lieutenant uses force and there is no captain or above working, but an acting night chief (lieutenant) is available. In this case, the acting night chief can conduct the investigation.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Following any use of force resulting in a citizen's injury, officers will ensure appropriate first aid is rendered immediately once the incident scene is stabilized.

Use of Force Continuum

SUBJECT RESISTANCE	FORCE OPTIONS	OFFICER / SUBJECT FACTORS
<p>Compliant / Cooperative Complies with verbal commands and other directions</p> <p>Uncooperative Fails to respond to verbal commands or other directions.</p> <p>Active Resistance Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.</p> <p>Assault or Threat of Assault Subject assumes fighting stance, charges, strikes, or kicks an officer or verbally or physically indicates intent to commit an assault combined with the subject capability to assault</p> <p>Life Threatening Assault or Assault Likely to Cause Serious Physical Harm Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death</p>	<p>Officer Presence</p> <p>Verbal Skills</p> <p>X26 Taser/Chemical Irritant</p> <p>Escort Techniques</p> <p>Restraining Techniques</p> <p>Balance Displacement</p> <p>Hard Hands (Pressure Points/Strikes)</p> <p>PR-24 (Baton)</p> <p>Less Than Lethal Beanbag Shotgun 40 mm Foam Round Pepperball Launcher</p> <p>Deadly Force</p>	<p>Physical Size</p> <p>Influence of alcohol or drugs on subject</p> <p>Subject's mental capacity or impairment</p> <p>Multiple suspects</p>
		SPECIAL CIRCUMSTANCES
		<p>Environmental Factors</p> <p>Distance from subject</p> <p>Officer injury / exhaustion</p> <p>Proximity of weapon</p> <p>Officer on ground</p> <p>Special knowledge</p> <p>Crime involved</p> <p>History / knowledge of subject</p>

Each force situation is unique and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to effect a lawful arrest (Graham v. Connor, 490 U.S. 386 (1989)). Good judgment and the circumstance of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements or calling in specialized units may be an appropriate response to a situation.

Procedure:**A. Use of Beanbag Shotgun**

1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.
 - a. Supervisors are responsible for loading beanbag shotguns.
 - b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.
2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull for easy identification.
 - a. Stocks on beanbag shotguns are orange and clearly labeled as "less lethal".
3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be de-cocked with safety on, in secured boxes, in the trunks of vehicles.
 - a. A breakaway seal will be on each box.
 - b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.
 - 1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.
 - 2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.
4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.
5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.
6. Neither permission from nor the presence of a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.
 - a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.
7. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. Where feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.

8. When using a beanbag shotgun, the manufacturer's recommended distance is no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet.
 - a. Using a beanbag shotgun within 20 feet of an individual increases the chance of serious injury. In cases involving self defense, defense of another, or a situation where the round is used as an alternative to deadly force, when deadly force would be appropriate, the use of the beanbag round at a distance less than 20 feet is acceptable.
 - b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550.
 9. When using a beanbag shotgun, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible.
 - a. Take any individual struck with a beanbag round to University Hospital for medical evaluation.
 10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.
 11. If four rounds prove to be ineffective, officers need to consider another option.
 12. After using a beanbag shotgun, and after an individual is under control, immediately notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- B. Use of 40mm Foam Round
1. A 40mm foam round launcher will be assigned to each district.
 2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.
 3. The 40mm foam round launcher is a single shot shoulder mounted weapon.
 - a. A holographic sight is attached to the launcher to assist with aiming and shot placement.
 4. Only supervisors and officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.

- a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.
 - b. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. Where feasible, officers will allow a reasonable time between the warning and use of the foam round.
 - c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.
- 5. When using the 40mm foam round, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible. The 40mm exact impact sponge round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
 - a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.
- 6. If four rounds prove to be ineffective, officers need to consider another option.
- 7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- C. Use of Pepperball
 - 1. Pepperball launchers will be assigned to the districts at the discretion of the Police Chief.
 - 2. The Pepperball round consists of a small hard plastic sphere containing OC pepper powder.
 - 3. The Pepperball launcher is a semi-automatic shoulder mounted, high capacity weapon powered by compressed air.
 - a. Each district will be assigned one SCUBA compressed air tank and a Pepperball fill adapter.
 - b. Any member of Cincinnati Fire Squad 52 can refill SCUBA tanks at the firehouse at 5th and Central Avenues.

4. Only supervisors and officers trained in the use of Pepperball launchers are permitted to use the weapons.
 - a. The presence of a second officer is highly recommended in the event the officer using the Pepperball launcher encounters lethal resistance.
 - b. If serious injury requiring hospitalization occurs from the use of the Pepperball, follow the notification process for shots fired as outlined in Procedure 12.550.
 5. When using the Pepperball launcher, aim at center mass. Avoid the head, neck and groin areas if possible. The effective range of the Pepperball is 0 to 30 feet for targeting individuals and up to 100 feet for area saturation according to manufacturer's specifications.
 - a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.
 - b. Heavy clothing can hinder the effectiveness of the Pepperball rounds. If a subject is wearing heavy clothing, consider targeting the legs.
 - c. Subjects struck with Pepperball rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing Pepperball rounds.
 - d. Decontamination for individuals exposed to Pepperball OC powder is fresh air and clear cool water.
 6. Pepperball rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls or the ground.
 7. After using the Pepperball launcher, and after the individual is under control, inform onlookers that the Pepperball launcher is a non-lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- D. Use of the X26 Taser:
1. Use the X26 Taser to control actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects. Give the subject a verbal warning that the taser is going to be deployed unless it would present a danger to the officer.

- a. Officers should avoid using the X26 Taser on obviously pregnant females and those individuals under the age of 7 or over the age of 70, unless the encounter rises to the level of a deadly force situation. This restriction is based on the potential for these individuals to fall when incapacitated by the taser.
 - b. Officers should avoid using the X26 Taser on individuals who are on an elevated surface unless the encounter rises to the level of a deadly force situation.
2. Officers should, if possible, obtain backup before using the X26 Taser to control the subject.
 - a. Deploy personnel in such a manner that will enable them to use other appropriate means to subdue the subject if the X26 Taser is ineffective.
 - b. Officers will use caution and avoid standing near the subject.
3. Depressing the X26 Taser trigger will propel two darts from the attached cartridge. Once the X26 Taser is fired it will automatically cycle for five seconds. The officer can turn it off before the 5-second cycle stops, however it is recommended that officers let the taser cycle for the full 5 seconds. This will maximize the effectiveness of the taser. Officers should give commands to the suspect and attempt to gain compliance.
 - a. It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. However if only one dart penetrates the subject the X26 Taser will be partially effective. Should this occur and the subject continues aggressive behavior, place the X26 Taser against the subject's body to complete the circuit. This will cause complete incapacitation.
 - b. The X26 Taser has a red dot laser, and a built in flashlight that will engage as soon as the X26 Taser is turned on. Both of these features can be turned off if desired.
4. If a first shot does not make contact or is ineffective the officer may attempt a second shot. If the X26 Taser shot does not make contact or is ineffective, it may be used in the stun mode. It can operate in the stun mode with or without the fired cartridge attached. You cannot use the X26 Taser in the stun mode with a non-fired cartridge attached to the taser.

- a. The X26 Taser operates as a stun gun device. The carotid/brachial, groin, and common peroneal nerve are the preferred areas of the body to “drive stun”. A drive stun is described as pushing the X26 Taser aggressively against the subject’s body while pulling the trigger. This will deliver a shock to that area of the body. A drive stun is intended to gain compliance from actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects and persons attempting to swallow evidence or contraband.
- b. Due to the high voltage electronic spark of the X26 Taser, **never fire the X26 Taser near flammable materials (such as chemical irritant with an alcohol based propellant, gasoline, kerosene or in a natural gas environment).**
- c. After an officer has fired a X26 Taser cartridge a new cartridge will be issued to the officer by their immediate supervisor.

5. Medical Treatment Guidelines:

- a. Officers will obtain appropriate medical treatment for suspects when necessary. After successful X26 Taser deployment, request Cincinnati Fire Department (CFD) respond to evaluate subject.
- b. Officers may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue, i.e. genitals, breast tissue or any area above the collar bone.
 - 1) If the darts are embedded in the soft body tissue described above, transport the subject to University Hospital for treatment and dart removal.
 - 2) Used X26 Taser cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at a fire station or hospital.

E. Use of Chemical Irritant:

- 1. Unless it would present a danger to the officer or another, a verbal warning to the individual that chemical irritant will be used must be issued prior to use.
- 2. Where feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.
- 3. Officers may only use chemical irritant on a restrained individual when the restrained individual or another person is likely to suffer injury or to escape, absent the use of the chemical irritant.

4. If it is necessary to use chemical irritant on a violent prisoner after handcuffing and placing him in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead officers will spray the prisoner through the protective screen.
 - a. If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening, or spray through the rear door window nearest the prisoner's face.
 - b. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.
5. When spraying chemical irritant, if possible spray five to ten feet from an individual using a 3 second burst(s). The target should be an individual's face and upper torso.
6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.
7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.
 - a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water or the use of a decontamination wipe.
 - b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.
8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:
 - a. When the individual complains of continued effects after having been decontaminated.
 - b. The individual indicates that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the chemical irritant.
 - c. Immediately transport any subject 13 years of age and older suspected of putting in his mouth, swallowing or attempting to swallow evidence or contraband to University Hospital. Immediately transport any persons arrested under 13 years of age suspected of putting in their mouth, swallowing or attempting to swallow evidence or contraband to Children's Hospital.

Reporting Use of Force

Force used	Reporting requirement
Deployment of police canine (no bite)	Form 18C, explaining circumstances that led to the deployment.
Escorting or handcuffing a person, with no or minimal resistance	No special reporting required other than the narrative of the arrest report
“Hard hands” use of force by means of leverage displacement, joint manipulation, pain compliance, and pressure point control tactics; without injury or complained of injury	The arresting officer(s) are required to notify a supervisor and document a narrative account of the subject’s form(s) of resistance and the officer’s specific defensive tactic used to overcome that resistance in the narrative of the arrest report and complete an officer’s report of non-compliant suspect/arrestee form report to be reviewed and approved by a supervisor. The use of force report will require the officer to identify the events leading up to the use of force and the supervisor will be required to evaluate the tactics used by the officer.
“Hard hands” use of force with injury or complained of injury	The arresting officer(s) are required to notify a supervisor. The supervisor’s report will include the following information in the narrative portion of the report: description of the events leading to the use of force; description of the subject’s resistance; description of the use of force by police to overcome resistance, including a description of all empty hand controls used by the officer; supervisor’s evaluation of the propriety of the initial contact and the propriety of the use of force; supervisor’s evaluation of a foot pursuit if applicable.
Force using any physical strike or instrumental contact with a person; chemical irritant; choke holds; deployment of a canine resulting in a bite; beanbag shotgun and forty millimeter foam rounds; X26 Taser; or pepperball.	Supervisors will be called to the scene and conduct a supervisory investigation including the supervisor’s narrative description of the events preceding the use of force, the officer(s)’ description of events, and audio taped statements (except X26 Taser deployment) of all witnesses including the officer(s), subject(s), medical treating personnel (if practicable), and third-parties. For chemical irritant use, taped statements are only required if the use occurs after handcuffing.
All serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission	CIS and IIS will respond to the scene of, and investigate

F. Reporting a Use of Force:

1. The investigating supervisor will immediately notify the district/section/unit OIC (officer in charge), if on duty, or the Night Chief, if on duty. The use of force will not be investigated by any officer who used force or chemical irritant during the incident, whose conduct led to the injury to a prisoner, or who authorized the conduct that led to the reportable incident.
 - a. If none of the above are on duty, ensure the next command officer is notified when he comes on duty.
 - b. Contact the IIS (Internal Investigation Section) Commander and the officer's district/section/unit commander for all serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission.
 - c. Contact the IIS (Internal Investigation Section) Commander and the officer's district/section/unit commander if more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force.
2. The supervisor will conduct a preliminary fact finding interview of any witnesses and officers at the scene, and search for evidentiary materials. The supervisor will then conduct a thorough investigation and evaluate the propriety of the action taken. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. The only exception is when a lieutenant uses force and there is no captain or above working, but an acting night chief (lieutenant) is available. In this case, the acting night chief can conduct the investigation.
 - a. Other than a simple use of chemical irritant, a supervisor will ensure neutral officers transport the prisoner to a detention facility or hospital, if applicable.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident.
 - b. Detail supervisors will be responsible for the investigation of a use of force involving officers under their supervision.
 - c. A supervisor in the district where the force occurred will investigate and report incidents when the officer is off duty.
 - 1) If a use of force occurs outside the city limits, a supervisor from the closest district will investigate the incident.
 - d. If an officer is involved in a use of force outside a 50-mile radius of the city, the officer will immediately contact a PCS (Police Communications Section) supervisor and notify him of the use of force. The officer will leave a phone number where he can be contacted.

- 1) PCS will contact the involved officer's assigned district/section/unit commander and notify him of the incident.
 - 2) The district/section/unit commander will call the officer to determine the correct course of action.
3. After the preliminary fact finding interview, tape record all further interviews with the arrested, civilian witnesses, and police officer witnesses in incidents involving canine bites or the physical use of force. Attach the interview tapes to the original report.
 - a. The tape recorded interview will contain the following information:
 - 1) Date, time, and location of interview.
 - 2) Interviewer's name and title.
 - 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe, which took place at 1012 Ludlow Avenue."
 - 4) Identity of the person interviewed.
 - 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
 - b. If more information is needed, ask the appropriate questions.
 - c. Upon completion, conclude the taped interview by identifying yourself, the person interviewed, and state the time; e.g., "This is Sgt. Saunders concluding this interview with Mr. John Doe. The time is 2000 hours."
4. The investigating supervisor will interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure that necessary medical attention is secured.
 - a. The investigating supervisor will take Polaroid photographs of the subject. Take specific photos of any injury, or claimed injury, to the subject.
 - 1) The investigating supervisor will record his name, badge number, date, time, and name of the subject on the photographs. Attach the photographs to the original report.
 - b. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
 - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.

- 2) Interview the arrested. Tape-record the interview.
 - 3) Interview the treating physician. Tape record the interview if the physician permits it. Include the diagnosis in the report.
 - a) If the treating physician cannot release a diagnosis of the subject's injuries due to doctor-patient confidentiality, the supervisor will note it in the report.
 - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report.
 - 5) Note on the Form 18F if the subject refuses treatment at the hospital.
5. If the arrested is seriously injured (as defined in this policy) or admitted to a hospital, immediately notify the IIS Commander, the district/section/unit commander of the involved officer, the CIS (Criminal Investigation Section) Commander, and the Night Chief/Duty Officer if on duty.
- a. Incidents involving the self-ingestion of contraband are exempt from the procedure.
 - b. The Homicide Unit and IIS will conduct an investigation with the assistance of the affected district/section/unit when the injury is a result of the use of force.
 - 1) The district/section/unit commander will coordinate the investigation in the absence of an IIS investigator.
 - a) The CIS and IIS Commanders will forward all findings and reports to the Police Chief's Office through command channels.
 - b) When IIS or the Homicide Unit is conducting the use of force investigation, the unit responsible for the primary investigation will complete a Form 18F.
6. The investigating supervisor will complete a Form 18F.
- a. Ensure all blocks are completed. Multiple blocks may be checked, as applicable, in the following defined categories:
 - Ceased All Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.

- **Conspicuously Ignoring:** Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.
 - **Resistive Tension:** Subject fails to comply with verbal commands from an officer to submit to arrest and makes body rigid by tensing the muscles. This rigidity can be full body resistance or a particular body part. The goal of the action is to prevent control by means of superior strength.
 - **Exaggerated Movement:** Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - **Excessive Emotional Tension:** Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - **Combative/Assaultive:** Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet kicks, punches, elbow strikes spitting, biting etc.)
 - **Armed:** Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.
- b. Include concise statements addressing corroboration or contradiction for each witness.
- c. Type a brief summary of the Use of Force incident on the Form 18F that includes the following information.
- 1) Decision to arrest, including the basis for the stop and seizure
 - 2) How the subject resisted arrest
 - 3) Subject's resistive behavior
 - 4) Officer's tactics and actions to counter resistance/assault

- 5) The supervisor's analysis of the propriety of the officer(s) use of force
7. The investigating supervisor will complete a Citizens Complaint Form (Form 648), if while investigating a use of force, the individual alleges excessive force. He will investigate the complaint thoroughly while all participants and witnesses are present. See Procedure 15.100 for routing of the form.
8. The investigating supervisor will ensure the completion of and sign the Form 527 (Arrest and Investigation Report) and Form 527A (Case and Bond Information Sheet) listing the prisoner's physical condition. The Form 527 will accompany the prisoner to Central Intake at the Hamilton County Justice Center.
9. The investigating supervisor will immediately facsimile the Form 18F to the following locations:
 - a. Police Chief's Office
 - b. Internal Investigations Section
 - c. Patrol Bureau
 - d. Inspections Section
10. The original report and one copy will be forwarded to the involved officer's assigned district/section/unit commander. The district/section/unit commander will review the original report and complete a use of force supplement. Within seven days, the district/section/unit commander will forward, in a sealed envelope, the taped statements, photos, and original report to the Police Chief's Office through the affected division commander.
 - a. Inspections Section will file the photographs and tapes with its copy of the Form 18F.
11. If an additional investigation is required, note it on the supplement.
12. The investigating supervisor will make a blotter entry describing the incident and action taken.
13. Following each use of force investigation conducted by a supervising officer, an officer at the rank of lieutenant or higher will review the investigation, identify any discrepancies, and require the supervising officer who conducted the investigation to correct any such deficiencies. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervising officer fails to conduct a thorough investigation or fails to properly adjudicate an incident, or when a reviewing lieutenant neglects to recommend appropriate corrective action.

G. Reporting Process for Use of Taser/Beanbag Shotgun/40 mm Foam Round/Pepperball Launcher

1. Supervisors must complete a detailed Form 18TBFP after any officer uses one of the above devices. The Form 18TBFP must be completed whether or not an individual is struck with a beanbag, 40 mm, or Pepperball round.
 - a. After each X26 Taser deployment, the investigating supervisor will retrieve the data stored on the X26 Taser data chip, print out the X26 Taser data port download and record the necessary information on the Form 18TBFP.
 - b. Complete a Form 18T (Taser Silhouette Report) for X26 Taser use and attach to the Form 18TBFP.
 - 1) Report any accidental discharges on a Form 17 and route via chain of command.
 - 2) Report any discharges at an animal on a Form 18A, Weapons Discharge at an Animal, and route via chain of command.
 - c. Facsimile the Form 18TBFP to the following locations:
 - 1) Police Chief's Office
 - 2) Patrol Bureau
 - 3) Inspections Section
 - d. Send the original report and one copy to the district/section commander. After review, the district/section commander will forward the original report to Inspections Section through the affected division commander.
 - e. No supplementary report is necessary unless requested by the Police Chief or division commander.
 - f. The relief officer in charge is responsible for providing a media voice mail, as soon as possible after the incident, describing the incident and the use of the X26 Taser/beanbag shotgun/40mm foam round/Pepperball launcher.
2. The investigating supervisor will make a blotter entry describing the incident and action taken.

H. Reporting Process for an Injury to Prisoner:

1. Supervisors will complete a Form 18I for any injury to the arrested, not the result of the use of force, while under or just prior to police control, and as a result of police activity.

- a. In the event of an incident wherein the underlying police use of force meets the threshold that requires an officer to complete a Form 18NC to document the incident, and the subject is injured or complains of injury as a result of the force, the incident will be investigated by a supervisor as an injury to prisoner.
 2. The narrative section of the Form 18I will be brief and concise, containing the information in the Reporting Use of Force chart on page 20 of this procedure. If the incident also involved the use of chemical irritant, the narrative must address the circumstances warranting chemical irritant usage as well as the circumstances of the injury.
 3. Facsimile the Form 18I to the following locations:
 - a. Police Chief's Office.
 - b. Patrol Bureau.
 - c. Inspections Section.
 4. Forward the original Form 18I along with the photographs to the district/section/unit commander for review.
 - a. The district/section/unit commander will evaluate the propriety of the initial contact and the propriety of the use of force and will note his findings, in writing, on the Form 18I.
 5. The investigating supervisor will make a blotter entry describing the incident and action taken.
- I. Reporting Process for Use of Chemical Irritant
1. Supervisors will complete a Form 18CI when reporting the use of chemical irritant.
 - a. Facsimile copies to:
 - 1) Patrol Bureau
 - 2) Inspections Section
 - b. Forward the original report to the involved officer's assigned district/section/unit commander. After review, the district/section/unit commander will forward the original report to Inspections Section through the affected division commander.
 - c. Keep a copy for the unit files.
 2. The investigating supervisor will make a blotter entry describing the incident and action taken.
 3. Inspections Section will maintain and file all Forms 18CI.

J. Priority of Forms:

1. If more than one act by an individual occurs (e.g., use of force and a use of beanbag shotgun), only one report is needed.
2. Listed below is the order in which a report is made, with "a" being the highest priority:
 - a. Use of Force
 - 1) Include X26 Taser/Beanbag Shotgun/40mm Foam Round/Pepperball information, if applicable.
 - 2) Include canine information, if applicable.
 - b. X26 Taser/Beanbag Shotgun/40mm Foam Round/Pepperball
 - 1) Include canine information, if applicable.
 - c. Canine
 - d. Injury to Prisoner
 - e. Chemical Irritant
 - f. Officers' report non-compliant suspect/arrestee

K. Documentation Needed for Each Form:

1. Form 18F (Supervisor's Use of Force Investigation Report):
 - a. Taped statement
 - b. Photos
 - c. Medical release (if treated)
 - d. Summary of doctor's diagnosis (if treated)
2. Form 18TBFP (Use of the X26 Taser /Beanbag Shotgun / 40 mm Foam Round / Pepperball):
 - a. Taped statement except X26 Taser deployment
 - b. Photos
 - c. Medical release (if treated)
 - d. Summary of doctor's diagnosis (if treated)
 - e. X26 Taser data port download if applicable
 - f. Form 18T with the X26 Taser use
 - g. MVR tape if applicable

3. Form 18C (Use of Canine – Canine Bite):
 - a. Taped statement
 - b. Photos
 - c. Medical release (if treated)
 - d. Summary of doctor's diagnosis (if treated)
4. Form 18CI (Use of Chemical Irritant):
 - a. Short narrative
 - b. No photos
 - c. No taped statement unless subject was handcuffed at the time.
5. Form 18I (Injury to Prisoner):
 - a. Photos
 - b. No taped statement
 - c. Brief, concise narrative to include information from the Reporting Use of Force chart on page 20.
6. Form 18NC (Officers' report of non-compliant suspect/arrestee):
 - a. Brief, concise narrative of resistance met and force used
 - b. Supervisor review before end of tour
 - c. Copy for district files, original to Inspections Section
7. Place all reports, attachments and other documentation in the Use of Force Case Jacket with the routing label attached and forward to the District/Section/Unit commander.
- L. Responsibilities of Inspections Section to insure policy and procedure compliance and implementation:
 1. Inspections Section will review, and evaluate in writing, and submit for Chief's approval all supervisor reported use of force, use of beanbag shotgun, 40mm foam round, PR-24, and all canine bites (except those causing serious injury or hospital admission).
 2. Inspections Section will review, evaluate, and submit for Chief's approval all investigations of chemical irritant use on handcuffed individuals.
 3. Inspections Section will review all Officer's Report of Non-Compliant Suspect/Arrestee for trends and training issues.